(16)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : **Hon'ble Shri S.R. Nayak, CJ**
Hon'ble Shri D.R. Deshmukh, J.

Misc. Appeal No. 1116 OF 2005

APPELLANTS CLAIMANTS

1. Sahodra Bai, Wd/o. Bedu Ram aged about 38 years,
2. Fattelal, S/o Beduram Sahu, Aged about 20 years
3. Ku. Maduri, D/o Beduram Sahu, aged about 18 years.
4. Ku. Pushpa, D/o Beduram Sahu, Aged about 14 yrs.
5. Thanwarin, W/o Pusau Ram Sahu Aged about 60 yrs., Appellants No. 4 represented by legal guardian mother appellant no. 1, all are R/o village-Bansankara, District Raipur (C.G.) P.A.-Village-Parasada, P.S.-Neora, Tahsil - Tilda, District-Raipur(CG)

Versus

RESPONDENTS NON-APPLICANTS

1. Ajay Prajapati, S/o Bharat Prajapati C/o Daljit Singh, S/o Dalbir Singh, R/o 1392/A, Madan Mahal, Jabalpur, Tahsil & District - Jabalpur (MP)
2. Sardar Daljit Singh, S/o Lakhbir Singh, R/o 1392/A, Madan Mahal, Jabalpur, Tahsil & Distt. Jabalpur (MP)
3. The Oriental Insurance Co. Ltd., Through-Divisional Manager, Division No. 1, Jail Road, Raipur, Raipur (CG)

Present:

Mr. Satish Chandra Verma, learned counsel for the appellants.
Mr. Ali Asgar, learned counsel for respondent No.3.

ORAL ORDER
(Passed on 4th of January 2006)

The following Order of the Court was passed by

S.R. Nayak, CJ:

In a death case, the dependents of the deceased not being satisfied with the compensation awarded by the MACT have preferred this appeal for more compensation. It was contended by learned counsel for the appellants that the deceased was a mason and he was earning daily income of Rs.150/- and therefore, the MACT is not justified in taking his income at notional rate of Rs. 15000/- per annum. It was also contended that what is awarded by the MACT under the conventional heads, such as loss of consortium, loss of estate are very much on lower side.

(2) We do not find any merit in the first contention. Though, it was claimed that the deceased was a mason and was earning Rs.150/- per day, that claim was not proved by any legal evidence. However, we find force in the second contention as this Court often held and reiterated that even compensation to be awarded under the conventional heads should reflect the time and place of accident and also the present money value. Looking from that angle, what is awarded under the conventional heads is on lower side. Therefore, we award a sum of Rs.25,000/- to the widow of the deceased towards loss of consortium and Rs. 25,000/- towards loss of estate. The impugned order shall stand modified in the above terms. In all other respects, the impugned award shall stand unaltered. The parties shall bear their respective costs in this appeal.

(3) The appeal is allowed to the extent indicated above.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge